

34. (Amended) The method of claim 30, wherein the monoclonal antibody recognizes the peptide chain of about 29 kilodaltons, as determined by reducing SDS-PAGE.

35. (Amended) The method of claim 30, wherein the monoclonal antibody recognizes a human 8F4 polypeptide present on activated human CD4⁺ T lymphocytes and activated human CD8⁺ T lymphocytes.

10" covered

REMARKS

Applicant has amended the specification solely to change the drawing reference character to correctly correspond with the formal drawing being submitted concurrently herewith. No new matter is introduced by virtue of these amendments, and the amendments are fully supported by the specification of the subject application and the claims as originally filed. Accordingly, Applicant kindly requests that they be entered into the instant application.

Claims 21-36 were under consideration in the present application. Due to a restriction requirement, Applicant has canceled claims 22-24, 29, 31 and 36 and amended claims 21, 25-28, 30, and 32-35 to delete non-elected subject matter and remove dependencies on canceled claims. No new matter is added. The foregoing claim cancellations and amendments are made without prejudice to Applicant's right to pursue the canceled subject matter in one or more related applications. Following entry of the amendments made herein, claims 21, 25-28, 30 and 32-35 will be pending in the present application.

For the Examiner's convenience, a marked up copy of the amended claims, with additions indicated by underlined text and deletions in brackets, is attached hereto as Exhibit B, and a copy of the claims as will be pending following entry of the amendments made herein is attached hereto as Exhibit C.

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

In response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures ("Notice to Comply"), Applicant submits herewith a third substitute Sequence Listing in paper and

computer readable form pursuant to 37 C.F.R. § 1.821 and a copy of the Notice to Comply, accompanied by a transmittal of the Sequence Listing.

Applicant submits that the substitute Sequence Listing complies with 37 C.F.R. §§ 1.821-1.825 and accordingly requests that the objections to the Sequence Listing be withdrawn.

OBJECTIONS TO THE DRAWINGS

The drawings are objected in view of the defects noted on the PTO-948 form accompanying the outstanding Office Action. In response, Applicant submits herewith formal drawings that comply with 37 C.F.R. § 1.84, accompanied by a Transmittal of Formal Drawings. Applicant requests that the objections to the drawings be withdrawn.

RESTRICTION REQUIREMENT

The Examiner has required a restriction to one of the following inventions:

- I. Claims 21 and 29, drawn to a method of *activating* costimulation of human T lymphocytes, comprising administering an *8F4 polypeptide*, classified in Class 424, subclass 184.1;
- II. Claims 21, 23 and 25-28, drawn to a method of *activating* costimulation of human T lymphocytes, comprising administering an *antibody to an 8F4 polypeptide*, classified in Class 424, subclass 130.1;
- III. Claims 21-22, 29-30 and 36, drawn to a method of *inhibiting* costimulation of human T lymphocytes and inhibiting rejection of an organ transplant, comprising administering an *8F4 polypeptide*, classified in Class 424, subclass 184.1; or
- IV. Claims 21-28 and 30-35, drawn to a method of *inhibiting* costimulation of human T lymphocytes, comprising administering an *antibody to an 8F4 polypeptide*, classified in Class 424, subclass 184.1.

In response, Applicant hereby elects the invention of Group IV, claims 21-28 and 30-35, drawn to a method of inhibiting costimulation of human T lymphocytes, comprising administering an antibody to an 8F4 polypeptide, classified in Class 424, subclass 184.1. Applicant has amended the claims by limiting them to elected subject matter.

CONCLUSION

Applicant respectfully requests entry of the foregoing amendments and consideration of the foregoing remarks. Applicant believes the claims to be in condition for allowance. An allowance is earnestly requested.

Respectfully submitted,

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Limited Recognition Under 37 C.F.R. § 10.9(b)
Copy of Certificate Enclosed

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Enclosures